

WATERS

VERSUS

AYER

TRANSCRIPT AND WORD INDEX FOR THE DEPOSITION OF:

ROSEANNA BAGGESEN

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1 A. No.

2 Q. Did anyone threaten you with any type
3 of legal consequence if you didn't make that
4 statement?

5 MR. FELDMAN: Objection.

6 A. No.

7 Q. Did anyone threaten you during that
8 first discussion with any type of legal
9 prosecution against you?

10 A. No.

11 Q. Did anyone during that first
12 discussion promise you anything in exchange for
13 anything you might say?

14 A. No.

15 Q. Did anyone suggest to you what you
16 should say?

17 A. No.

18 Q. Did anyone suggest to you what you
19 should not say?

20 A. No.

21 Q. How was the tone of voice of Officer
22 Taylor and Miss Fahey during this discussion?

23 A. I don't really recall. I didn't feel

1 that you first spoke with Officer Taylor at your
2 mother's house and the trial were you taken by
3 police officers from Providence to somewhere
4 else?

5 A. Just that one time.

6 Q. You went with them voluntarily?

7 A. Yes.

8 Q. Were you handcuffed during that ride?

9 A. No.

10 Q. Do you have any memory of a second
11 occasion when the same male officer who picked
12 you up with Nancy Taylor came with another man
13 to pick you up?

14 A. No.

15 Q. Were you ever placed in handcuffs and
16 taken from Rhode Island to Massachusetts?

17 A. Never.

18 Q. When you were brought to Massachusetts
19 where did you go?

20 A. To the police station.

21 Q. Was the police station at the time to
22 your memory located in Town Hall?

23 A. I have no idea.

1 A. Okay.

2 Q. By the way, before we get to that
3 actually, having never seen this Affidavit which
4 is Exhibit Three you have never signed it, have
5 you?

6 A. No.

7 Q. You never would, would you?

8 A. No, I certainty would not.

9 Q. Within a day or two after learning of
10 DNA tests that led to the release of Kenny
11 Waters I spoke with his lawyers Barry Scheck and
12 Betty Anne Waters who is also Kenny's sister.

13 Was it within a day or two after
14 learning of Kenny's release that you had this
15 meeting?

16 A. No, I don't believe so.

17 Q. Was it longer than that?

18 A. Yes, I believe so.

19 Q. The next sentence says that Mr. Scheck
20 and I spoke by phone and during the course of
21 the conversation he told me that I should tell
22 the truth no matter what it is and it would be
23 wise to seek the counsel of a lawyer because I

1 would be questioned about my prior testimony in
2 Kenny's case. Do you see that?

3 A. Yes, I see that.

4 Q. Did that ever happen?

5 A. No.

6 Q. It says here that you told him that a
7 lawyer in Providence, David Levy, was someone I
8 had known for a long time and I trusted him. Do
9 you know David Levy?

10 A. Yes, I do.

11 Q. Did you tell Barry Scheck that you
12 knew David Levy and that he was someone that you
13 trusted?

14 A. I don't recall telling him that. And
15 he never told me to get a lawyer, to seek
16 counsel.

17 Q. It says here I'm signing this
18 Affidavit in the presence of Mr. Levy after
19 consulting with him.

20 Did you ever consult with Mr. Levy
21 after Kenny Waters got out of jail?

22 A. Yes, I did.

23 Q. About what?

1 A. It was with the State Police.

2 Q. Please tell me what happened.

3 A. It was with the State Police in
4 downtown Providence. And like I told him, I
5 says, I just couldn't recall a lot of things.

6 Q. When did that meeting take place?

7 A. I don't recall.

8 Q. Who set that meeting up?

9 A. I don't even know.

10 Q. Did you ever consult with Mr. Levy
11 about preparing an Affidavit in support of a
12 civil suit brought by Betty Anne Waters?

13 A. No.

14 Q. Would you look at paragraph 2.
15 Starting with the second sentence that states
16 during that time my life was one big party. Do
17 you see that?

18 A. Yes.

19 Q. Is that a paragraph that's pretty
20 accurate?

21 A. Yeah.

22 Q. What does funnel drink mean?

23 A. Okay. All right. You get a big

1 funnel, a little tube, and you put a six pack
2 into it. And then you wait for the foam to rise
3 up. And then you put the tube in your throat,
4 you put the tube down to your mouth and you
5 can't swallow. And you do like a whole six pack
6 in a matter of sixty seconds.

7 Q. Did you do that with Kenny Waters?

8 A. I did it with the whole family. We
9 all did it.

10 Q. Including Betty Anne?

11 A. Probably. She was quite the partier
12 too.

13 Q. Paragraph 5 says in referring to some
14 police officer coming to your home that you were
15 scared when they came to your house because I
16 didn't know what they wanted.

17 The police told you why they were
18 there, didn't they?

19 A. Of course. I don't remember -- when
20 did the police come to my house?

21 Q. I can't answer that. Do you have a
22 memory of the Providence Police coming to your
23 house and saying you had to go to Providence

1 Police Headquarters?

2 A. No.

3 Q. Paragraph six, it says here in the
4 second paragraph -- well, I'll read the whole
5 paragraph.

6 After I got to the station they
7 brought me into this room and Nancy Taylor began
8 to question me about Kenny.

9 Now, you were interviewed at the
10 Providence Police Department by Miss Taylor,
11 correct?

12 A. Yes.

13 Q. Did the attorney, Miss Fahey, also ask
14 you questions there?

15 A. I don't recall.

16 Q. It says here she and this male officer
17 began telling me that he, Mr. Waters, had hung
18 his former girlfriend out a window one time and
19 that while in jail he had slashed the throat of
20 another prisoner, killing him. They didn't tell
21 you that, did they?

22 A. No. They most certainly didn't.

23 Q. It says, then they threw a bunch of

1 autopsy pictures on the table in front of me.

2 Did they do that, Ma'am?

3 A. No.

4 Q. I think you testified earlier the
5 pictures happened to be on a table that you
6 walked up to?

7 A. Yes.

8 Q. Is that correct?

9 A. Yes.

10 Q. Did anyone force you to look at those
11 pictures?

12 A. No.

13 Q. It says here, they told me to look at
14 them and asked me if I wanted to end up like
15 this woman. Did that happen?

16 A. No. I don't recall that.

17 Q. It says here, Nancy Taylor told me
18 that Kenny had done this and she asked me what I
19 knew about it. I told her repeatedly that I
20 knew nothing about this woman or Kenny's
21 connection to her.

22 Did you tell Nancy Taylor
23 repeatedly you knew nothing about the murder?

1 A. I might have.

2 Q. Why would you do that?

3 A. Because I really didn't want to get
4 involved. And I was so, you know -- I know what
5 the family is like. The family is crazy. And
6 there's not just a couple of them. There is a
7 clan.

8 Q. You said you may have. Do you have a
9 memory of telling her you knew nothing?

10 A. I really don't have a memory.

11 Q. Would you please go with me to
12 paragraph 8, Ma'am? It says the police kept
13 questioning me. They began by asking me why I
14 was covering for Kenny and then told me that if
15 I did not give them information I was going to
16 be in trouble. Did they tell you that?

17 A. No, they did not.

18 Q. It goes on to say that Nancy Taylor
19 told me that I was going to be charged as an
20 accessory to the murder if I didn't tell them
21 what I knew. Did she tell you that?

22 A. No, she didn't. Can I make a point?
23 Number Seven, I knew that Kenny had been living

1 with his grandparents in Ayer before I met him
2 and I knew Brenda? I never even knew who he
3 lived with in Ayer. I mean, there's so much of
4 this --

5 Q. Well, we'll go over it. Still on
6 paragraph 8 referring to the discussion with the
7 police, it says I was very scared at this time
8 and their questioning did not let up. Were you
9 very afraid of the police?

10 A. No, I was not afraid of the police.
11 No.

12 Q. It says here in paragraph 10, I had
13 been at the police station for over three hours
14 at this point. Nancy Taylor was not letting up.
15 She just wouldn't accept what I was telling
16 them. Did Nancy tell you she didn't accept what
17 you were telling them?

18 A. No.

19 Q. It says in paragraph 11, they,
20 presumably referring to the police, told me that
21 when Kenny was fifteen years old he had broken
22 into Kay's, the dead woman's house, and that he
23 knew her and knew what types of property she

1 owned. She told me that Kenny had stolen a ring
2 the night of the murder and that he had sold it
3 afterwards and they had the ring and proof that
4 he had killed the woman.

5 A. No, nobody ever mentioned that. I had
6 only found out about him breaking into her house
7 I would say a couple years later.

8 Q. It was not part of the interview in
9 Providence, correct?

10 A. No.

11 Q. How did you learn of it, Ma'am?

12 A. I don't even know.

13 Q. Was it after the trial that you
14 learned that?

15 A. Yes.

16 Q. Can we go to paragraph 12 please.
17 Nancy was relentless. She repeatedly told me I
18 was going to be arrested and charged as an
19 accessory. Did you perceive her as relentless?

20 A. No.

21 Q. Did you think she was a nice lady?

22 A. Yes.

23 Q. Did she repeatedly tell you that you

1 were going to be arrested and charged as an
2 accessory?

3 A. No.

4 Q. Did she ever tell you you were going
5 to be arrested and charged as an accessory?

6 A. No.

7 Q. Paragraph 13 please, third sentence I
8 think it is. I have never been sure what Kenny
9 said that night because I was so drunk. Did you
10 say that?

11 A. No, I did not.

12 Q. Did you find that in the paragraph
13 yet? Paragraph 13, fourth line down on the
14 right you will see I have. Do you see those
15 words?

16 A. Yes, I see. I have never been sure of
17 what Kenny said that night because I was so
18 drunk.

19 Q. You are quite sure of what Kenny said
20 that night, aren't you?

21 A. Yes. I remember him saying that.

22 Q. A little further in the paragraph it
23 says that Nancy Taylor was overbearing and

1 forceful. Did you find her to be that way?

2 A. No, she was not.

3 Q. I really thought I was going to be
4 arrested and charged.

5 When you spoke with the police did
6 you really think you were going to be arrested
7 and charged as an accessory?

8 A. No. No.

9 Q. Paragraph 15 please, Ma'am. It says,
10 after that night which I think is referring --
11 after that night in the precinct.

12 By the way, could I have the
13 exhibit back? The time of that precinct
14 questioning was 11:25 in the morning, correct,
15 by Exhibit Three?

16 A. Uh-huh.

17 Q. So when it says after that night at
18 the precinct, you weren't interviewed in the
19 night at all, were you?

20 A. No.

21 Q. Nancy Taylor never left me alone. Is
22 that true?

23 A. That's not true.

1 Q. She was always calling me and coming
2 by the house.

3 A. Oh, sure.

4 Q. Well --

5 A. Like she lived right down the street.

6 Q. Was she always calling you after you
7 were interviewed in Providence?

8 A. No.

9 Q. Did she ever call you, to your memory,
10 after your interview at the Providence Police
11 Station?

12 A. I don't remember. If anything I
13 called them.

14 Q. Did she keep coming by your house?

15 A. No.

16 Q. How many times was she at your house?

17 A. I believe just that one time.

18 Q. It says here she told me that Kenny
19 was going to get me and I was in danger of being
20 killed. That's what you told her, isn't it?

21 A. That's what I told her.

22 Q. That's not what she told you?

23 A. No. That's what I told Nancy.

1 Q. It says she had me so scared that I
2 used to hide in the closet of my house. Half of
3 that is true, isn't it?

4 A. Not that she had me scared. But I was
5 so scared that I did, I hid in the closet.

6 Q. Paragraph 16, I was still afraid the
7 police might charge me with something connected
8 to the murder. You were never afraid of that,
9 were you?

10 A. Never.

11 Q. Paragraph 17, then one day Nancy
12 Taylor and another police officer showed up at
13 my house. She was all upset and told me people
14 were coming to kill me and that I had to go with
15 them for my own safety. Is that what happened?

16 A. Certainly not. I called them. And I
17 told -- that's when I was hiding in my closet.
18 I called them. And I asked them to please get
19 me out of here. I couldn't take it.

20 Q. Did she order you to send your kids
21 with your mother?

22 A. No, she did not. My mother was as
23 scared of that crazy family as a lot of people

1 were. I mean, they were out there.

2 Q. Paragraph 18, look it over again
3 please to yourself. Have you done so?

4 A. Yes, I did.

5 Q. Does that refer to the trip from
6 Providence to the Ayer Police Department?

7 A. Yes.

8 Q. And is my memory accurate that you
9 testified that you independently confirmed that
10 someone was following you?

11 A. Yes. It sure looked like they were.

12 Q. Paragraph 19, second sentence and
13 going forward, they brought me to the Ayer
14 Police Station and put me in a cell for my own
15 protection. Nancy told me I had to do this and
16 that I would stay there until the trial so that
17 Kenny would not have me killed. Did she ever
18 tell you that?

19 A. No.

20 Q. Now, paragraph 20 says, I stayed at
21 the police station for about a week and they
22 moved me to a Holiday Inn located in Ayer. Did
23 you go to a Holiday Inn?

1 A. Never seen a Holiday Inn in Ayer.

2 Q. I stayed there for another week until
3 they prepared me for the trial. Nancy Taylor
4 continued to tell me all kinds of bad things
5 about Kenny and told me I better go through with
6 testifying or else I would be in trouble. Did
7 she continue to tell you bad things about Kenny?

8 A. No.

9 Q. Do you know enough bad things about
10 Kenny yourself?

11 A. Me and wherever he lives knew
12 enough -- a lot of bad things about Kenny.

13 Q. Did Nancy tell you that you had to go
14 through with testifying or you'd be in trouble?

15 A. No, she did not.

16 Q. Did you ever tell Nancy Taylor you
17 didn't want to testify?

18 A. Probably.

19 Q. Did you ever tell her that if you
20 testified you were going to tell a lie?

21 A. Certainly not.

22 Q. And you never did, right?

23 A. No.

1 Q. Was there some discussion with the
2 police about your partial dental plate at trial?

3 A. I don't even recall that.

4 Q. It says in paragraph 20, you see, once
5 we were all drinking together -- once when we
6 were all drinking together a fight broke out
7 among the group. Kenny went to hit this one
8 person and by mistake he hit me in the mouth and
9 knocked out some of my front teeth.

10 A. No.

11 Q. Did he ever tell you he didn't mean to
12 hit you?

13 A. No. He told me how sorry he was. The
14 next day when they all came to my house, Betty
15 Anne -- she was always the one to come to the
16 house and begged me to drop the charges just
17 like she did with Linda. I was there at Linda's
18 house when they showed up at Linda's house. And
19 Betty Anne once again begged Linda, please don't
20 drop the charges.

21 Can I just say one thing? This is
22 what I don't understand. They have so much love
23 for Kenny but when Kenny was out before any of

1 this, Kenny wasn't even allowed in their homes.

2 Q. After he was released from jail?

3 A. Before he even went to jail. They
4 didn't even really want to know him.

5 Q. How do you know that?

6 A. Because I seen it. I seen it.

7 Q. He wasn't allowed to go to his
8 mother's house?

9 A. I know he wasn't allowed to stay at a
10 lot of the family's houses. That I know for a
11 fact. And then that's what always used to get
12 me. I mean, as soon as he got in trouble here
13 would come Betty Anne begging. Please, please
14 don't do that. Please don't do that.

15 Q. In terms of prosecuting?

16 A. Yeah, in terms of bringing charges
17 against him.

18 Q. So Kenny Waters never told you it was
19 a mistake when he punched your teeth out?

20 A. No, never did.

21 Q. You have no reason to suspect it was a
22 mistake?

23 A. It was no mistake. One punch. I

1 mean, I thought -- I didn't know what happened.

2 I thought I got hit by a freight train. One
3 punch. I mean, he split my lip wide open,
4 everything. That was with one punch. I didn't
5 know it was you he said. Who else was there?

6 Q. Paragraph 21, the night before the
7 trial a whole group of police officers barged
8 into my room and told me that people were coming
9 to kill me. Do you see that?

10 A. Yes, I see that.

11 Q. Now, you had testified earlier that
12 some police did come to your room?

13 A. Yes, they did.

14 Q. Was it the night before trial?

15 A. Yes, it was.

16 Q. Did they tell you they hadn't been
17 able to reach you on the phone because it was
18 busy?

19 A. Yes.

20 Q. Did they tell you someone was coming
21 to kill you?

22 A. No.

23 Q. They told you the phone lines were

1 busy, correct?

2 A. Yes.

3 Q. Did they tell you anyone cut the phone
4 lines?

5 A. Not that I recall.

6 Q. That paragraph 22, that same night did
7 Nancy Taylor again tell you how dangerous Kenny
8 was?

9 A. No, she didn't have to tell me. I
10 already knew.

11 Q. Paragraph 23, I have to say that Nancy
12 Taylor was relentless in keeping me terrified.
13 She never let up. Is that true?

14 A. That is not true.

15 Q. It says, throughout this whole time
16 she made me scared to death that I would be
17 killed and scared that I would end up being
18 arrested for murder. Did she tell you any of
19 those things?

20 A. Never ever.

21 Q. Paragraph 24, after the trial ended
22 Nancy and her husband took me out for a lobster
23 dinner at a fancy restaurant. Did that happen?

1 A. Yeah, they did take me to a
2 restaurant.

3 Q. Was there an argument about Kenny
4 being innocent?

5 A. Not that I recall.

6 Q. Paragraph 25 says, at one point during
7 the period of the trial while I was at the
8 Holiday Inn. If I can stop there. You were
9 never at the Holiday Inn, is that true?

10 A. I was never at the Holiday Inn.

11 Q. The Police Chief showed up in my room.
12 Did the Police Chief ever show up in your room?

13 A. I don't recall.

14 Q. He told me to get down on my knees and
15 beg for my soul to be saved.

16 A. No.

17 Q. What you do recall is that as a
18 Christian he prayed with you, is that true?

19 A. Yes. And he was a very Christian man.
20 And I had found throughout my life most Born
21 Again Christians, I mean, they'll even come up
22 to you on the street and they'll ask you if you
23 believe in Jesus and would you pray with them.

1 And that happens quite a lot.

2 Q. Is that what happened with the Chief?

3 A. Yes.

4 Q. It says here, I had had it with being
5 pushed around by the police. That's the end of
6 paragraph 25.

7 Did you ever feel pushed around by
8 the police in connection with this?

9 A. No.

10 Q. It says in paragraph 26, after the
11 trial was over, I, that being you, contacted the
12 Waters family and an investigator and lawyer
13 they hired, Herb DeSimone, to make it clear that
14 what I said at trial was not true. Did you do
15 so?

16 A. No.

17 Q. It says here a couple lines down, I
18 never had a clear recollection of our
19 conversation about the murder, much less a clear
20 memory that he confessed to me.

21 You sure do remember it clearly,
22 don't you?

23 A. I remember it quite clearly. I can't

1 remember everything that was said. I mean, I
2 can clearly remember the van because like I
3 said, it was a van where the passenger seat --

4 I mean, actually it was kind of
5 funny at the time. If you went to a quick stop,
6 if you were the passenger you would just go
7 zooming into the back of the van. At the
8 time -- what can I say?

9 Q. Did any police officer tell you what
10 to say at the trial?

11 A. No.

12 Q. Did any police officer promise you
13 anything for testifying in a certain way at
14 trial?

15 A. Never.

16 Q. Did any police officer threaten you
17 with anything if you didn't testify in a certain
18 way at trial?

19 A. No.

20 Q. And you told the truth at the trial?

21 A. And I told the absolute truth.

22 Q. Why don't I take a couple minutes if I
23 could.

1 (Short recess).

2 Q. Miss Baggesen, you had mentioned that
3 you met with Mr. Scheck and Miss Waters one
4 time, correct?

5 A. Correct.

6 Q. And you said you self-medicated
7 because you were anxious about the meeting, is
8 that correct?

9 A. Yes. I mean, Ken's out and I got his
10 sister coming to my house. And I did not like
11 Mr. Scheck.

12 Q. Why not?

13 A. He was too condescending. Like when
14 he would talk to me he would put his hand on my
15 knee and everything and I just did not like him.

16 Q. On that day when you met with him, and
17 having read over the Affidavit which is Exhibit
18 Three, did you say anything to Mr. Scheck and
19 Miss Waters that would have given rise to the
20 statements we've gone over?

21 A. No. I mean, this is -- I mean, I
22 know it's not funny or anything. I mean, some
23 of the things I said like the dinner. No.

1 Q. Did anyone ever present this Affidavit
2 to you for signature?

3 A. No.

4 Q. After the meeting with Mr. Scheck have
5 you ever spoken with him again?

6 A. No.

7 Q. After that meeting with Mr. Scheck and
8 Miss Waters have you ever spoken with Betty Anne
9 again?

10 A. I don't recall.

11 Q. When you had this meeting did either
12 of them tell you what they wanted or hoped you
13 would say?

14 MR. FELDMAN: Objection.

15 A. Should I talk?

16 Q. Yes, you may.

17 A. Well, the impression I got was they
18 wanted me to say I lied.

19 Q. What gave you that impression?

20 A. Just really by the way they were
21 talking. You know he's innocent. You know he's
22 innocent. And I don't care to this day. He
23 said that to me. And in my eyes he will never

1 be innocent. I don't care what the evidence
2 says. He told me that and I will never ever
3 take that back.

4 Q. Did you feel pressured by Mr. Scheck
5 and Betty Anne Waters when they met with you?

6 MR. FELDMAN: Objection.

7 A. Yes.

8 Q. What did they do or say that made you
9 feel pressured?

10 A. Just their presence was a lot of
11 pressure for me.

12 Q. Did you feel that day you were telling
13 them what they wanted to hear so they would go
14 away?

15 A. Yes. But in terms of this, that would
16 not even make for a good book.

17 Q. Exhibit Three?

18 A. Exhibit Three.

19 Q. Because it's so full of falsehoods?

20 A. I mean, that doesn't even sound like
21 something I would say. That doesn't even sound
22 like me.

23 Q. Have you had any contact with Betty